



## URUGUAY by Pablo Landoni

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### Overview

In 2008, Uruguay approved a new education law (Ley General de Educación, subsequently LGE),<sup>1</sup> as a result of a reform process begun by the new left-of-center government that took office in 2005.

The law adopted was a substitute for a law of deep significance, because it was the second law approved after the restoration of democracy in 1985, following a decade of military rule. This previous law<sup>2</sup> enjoyed the unanimous support of the political parties and social organization that made up the Comisión Nacional Programática (CONAPRO), a coordinating group for policies as the country returned to democracy.

The reform strategy adopted by the government that took office in 2005 has been defined as “bottom-up,”<sup>3</sup> in the sense that it was intended that the law be the result of an extensive process of participation by educators and by society. The process began with the so-called “Debate Educativo” organized by a Commission of twenty-two individuals coming from the Ministry of Education, educational institutions, teacher and student organizations, and some civil-society organizations. Political participation was indirect, through the Ministry. The discussion was organized through regional assemblies in the entire country. This process culminated with the

National Education Congress in 2006, with more than six hundred delegates from the most diverse civil-society organizations and public and private educational institutions. The opposition political parties stayed aloof from this process.<sup>4</sup>

In addition to emphasizing the participatory nature of the design of the new education law, there was an effort to distinguish it from earlier reforms. In particular, it was a reaction against the so-called “Reforma Educativa” carried out during 1995 – 2000. This reform, led by the expert Germán Rama, had as objectives the improvement of educational quality and the increase of educational opportunities for the most needy groups. It was strongly criticized for its heavily centralized focus, with “top-down” decisions and a strategy of by-passing the traditional bureaucracy.<sup>5</sup> It was in short a statist and centralistic reform that, though contemporaneous with the processes of education reform in Latin America in the nineties, did not share with them the goals of institutional reorganization and decentralization of management, especially in providing greater autonomy to schools.<sup>6</sup>

The break with earlier educational policies is clear among the sponsors of the new Ley de educación, with one of its authors insisting that “the participation promoted [by this process] breaks with an authoritarian past that made the agents of education (above all teachers and students) the mere implementors of policies worked out in other settings.”<sup>7</sup>

After the Congreso Nacional de Educación in 2006, the Administration drafted a bill which it sent to the Parliament. Since the bill did not include all of the resolutions of the Congreso, the teacher unions and the student organizations opposed it. The opposition political parties did not vote for the law, which was adopted with only the votes on the government side.

The new LGE seeks to create a new institutional architecture for the government of education in Uruguay. It creates a new “National System of Public Education” and several organisms of coordination of education policies. Nevertheless, it maintains the organizational structure of primary, intermediate, and technical education governed by an autonomous body called the “Administración Nacional de la Enseñanza Pública” (ANEP), upon which depend all public educational establishments.

## *The structure of schooling*

Preschool education serves children from three to five, and is obligatory for those four and five.

Elementary education usually involves six years of obligatory schooling, but there are variations: special education for children with different abilities, rural education with an additional three years of schooling similar to the lower stage of intermediate schooling, and basic education for adults.

The lower stage of intermediate education, for pupils who have completed elementary education, involves three years of obligatory schooling. Article 26 of the LGE gives it the following objectives: “It will deepen the development of competencies and knowledge already acquired and will promote the theoretical and practical mastery of different disciplines, which may be artistic, humanistic, biological, scientific, and technological, among others.”

The higher stage of intermediate education offers three modalities: general education, technical education, and vocational/technical education.

An innovation of the LGE is that it makes all of basic education, including higher intermediate education, obligatory, which implies 14 years of schooling. This goal is far from being achieved, given that the rate of graduation from higher secondary education in Uruguay was 31.77% in 2007, compared with Chile at 79.41% and Argentina at 68.37%.<sup>8</sup>

## *Organization of the educational system*

The agency responsible for education in Uruguay is the “Administración Nacional de Educación Pública” (ANEP). Under Uruguayan law, such an “autonomous entity” has its own juridical personality with competence in all parts of the country, and is not subject to the hierarchy of the Administration. Within the sphere of its exclusive authority defined by the law, no other branch of government may interfere with it.<sup>9</sup> The nature of its legal position limits the ability of the Parliament to exercise control over the actions of the education authorities.

Although education in Uruguay is a dual system with private institutions, their supervision is also a responsibility of the ANEP. That is to say, this state agency has the double function of providing orientation and direction to the whole national system of education (including regulation of the private subsystem, establishing norms and procedures for its supervision and funding) while, simultaneously, acting as the administrative hierarchy of state instruction.

The Consejo Directivo Central (CODICEN) of ANEP has five members, three of whom are appointed by the President of the Republic with the consent of the Council of Ministers and prior approval of the Senate, and the other two are elected by the

teachers. Among the required qualifications is at least ten years of activity in public education.

There are also subordinate councils with responsibility in different sectors of education: elementary, lower intermediate, upper intermediate, and vocational/technical. These councils have three members each, two of them designated the Central Council and the third elected by the teachers of that sector.

The main innovation introduced by the LGE is participation in the governance of education at the national and sectoral levels of representatives elected by the teachers themselves.<sup>10</sup>

At all levels, there are private schools which enrol 15% of the all students in the educational system.<sup>11</sup>

## *Description of the system*

The educational system is strongly centralized in Montevideo, though there are administrative offices in the 19 regions of the country known as Departamentos, especially focused on elementary education; in reality, they function to pass communications from and to the center, where all the decisions are made. Very few decisions can be made at the school level.

The subordinate councils for the four sectors of education have the authority to appoint the teachers of public schools and to elaborate their programs of study. These powers are, however, limited by the fact that the Central Council (CODICEN) has power over the budget, and thus determines the number of teaching positions and other resources, including the construction of schools.

The LGE entrusts to the subordinate councils the approval of plans of study for each of the sectors of education, but these must also have CODICEN's endorsement.

In summary, the Central Council (CODICEN) establishes the overall goals and coordinates the plans of study developed by the subordinate councils for the entire education system and, for state (public) institutions, approves the budget, spells out the status of staff, and removes those staff if necessary. With respect to non-state (private) institutions, CODICEN establishes the norms for supervisión.

The subordinate councils approve study plans and programs for their respective sectors of the entire education system and, for state institutions, appoint teachers and

administrators and develop the budget. They authorize and supervise, but do not fund, non-state institutions.

As noted above, the ANEP enjoys an unusual degree of autonomy from the Ministry of Education and Culture and thus from political and popular control.<sup>12</sup>

The LGE established two coordinating bodies in which the Ministry participates. One is the Coordinating Commission of Public Education, together with ANEP and the University of the Republic, a public entity responsible for public higher education.<sup>13</sup> Its role is very limited because it can only coordinate and issue opinions on the educational policies of public education and make recommendations to the autonomous educational agencies. The second body is the National Commission of Education (COMINE), with 28 members, which is defined as a “national forum for deliberation on educational policies of the National System of Education, with a role of assessment and consultation.”<sup>14</sup>

Another relevant factor is the small role of the private sector in the educational direction of the country. It participates in COMINE, with three delegates among 28 members. The coordination of private educational institutions with the rest of the educational system is not facilitated by the institutional architecture of the new law, in contrast with what has occurred in other countries of Latin America, in which there have been interesting transfers of successful experiences between the different sectors of education.<sup>15</sup>

Apart from its slight role in the articulation of policies, the non-state educational institutions tend to mimic the state sector of education. The existence of uniform plans and programs for the entire educational system, worked out centrally, limits the possibility for innovation in schools. The lack of public funding for private institutions also limits their development.

## *Legal framework*

The normative framework for education consists of the Constitution, the Ley General de Educación N° 18.437 of December 12, 2008, and in particular for the non-state sector, the Ordinance of CODICEN N° 14 of December 19, 1994.

The Constitution defines five principles related to education: educational freedom, exemption from taxes, mandatory attendance at certain levels of education, the social utility of free-of-charge public schooling, and the obligation to see to the moral and civil formation of those being educated.<sup>16</sup>

The first constitutional principle to note is educational freedom. Article 68, section 1 of the Constitution states that “Everyone is guaranteed freedom of education.” This implies freedom to teach and freedom to learn, including the freedom to establish private educational institutions and to choose methods, programs, and instructional approach.<sup>17</sup> The same article recognizes the freedom of parents and guardians to choose teachers or educational institutions that they consider most adequate for their children or wards.

The Constitution emphatically limits the intervention of the State to “maintaining hygiene, morality, safety, and public order.” The State may not impose methods of instruction nor prohibit education that is religious or of a particular philosophy or orientation, nor may it monopolize education.<sup>18</sup>

A second constitutional principle<sup>19</sup> exempts private educational and cultural institutions from national and municipal taxes as a subsidy for their services; there are no other forms of public subsidies, either to institutions or to students.

Article 70 deals with the obligatory nature of elementary and lower intermediate schooling, while subsequent legislation has extended this down to age four and up to higher intermediate schooling, thus from ten to fourteen years of obligatory schooling. In Uruguay, there is no freedom not to go to school.<sup>20</sup>

To put into effective practice the principle of obligatory schooling, article 71 stresses the social utility of free-of-charge public education at its various levels, including the university. In Uruguay, public education is free at all levels.

Article 71 section 2 makes it mandatory to pay attention, in all educational institutions, to the moral and civic formation of pupils. This principle reflects the thinking of the pioneer of public schooling in Uruguay, José Pedro Varela, who in 1875 said with respect to civic education that “...para establecer la República, lo primero es formar a los republicanos” (to make a Republic, first make republicans).<sup>21</sup>

The primary law in education is, as we have seen, the LGE adopted in 2008, reaffirming the constitutional principles and in some cases amplifying them.<sup>22</sup> It defines education as a fundamental human right, and calls upon the State to “guarantee and promote lifelong education of quality for all inhabitants, facilitating educational continuity.”<sup>23</sup>

The LGE distinguishes between the principles of education in general and those of public education. The former is to be universal, mandatory, diverse and inclusive, participatory, and manifest educational freedom and freedom of teaching. Specific principles of public education provided by the State are that it be free, secular, and providing equal opportunities or equity.



## *Freedom to establish non-state schools*

The educational freedom recognized by article 68 of the Constitution guarantees pluralism in curriculum and the freedom to establish non-state schools.<sup>24</sup> Article 57 section N of the LGE establishes the authority of the Consejo Directivo Central (CODICEN) to regulate the functioning of private education. The primary legal norm is Ordenanza N° 14 of December 19, 1994. Regulation occurs through a process called “habilitación” (accreditation) which confers official validity on studies carried out in private institutions by regulating the requirements that they must satisfy to be approved by the respective subordinate Councils for their level of schooling.

Private institutions that wish State recognition for their programs must follow this procedure, of which the principal conditions are the following:

- a. Adequacy of facilities.
- b. Acceptance of a routine of inspection covering both educational plans and programs and also administrative functioning.
- c. Plans and programs equivalent to those required in public schools. Exceptions must receive express approval; in practice, private schools follow the official plans and programs and then supplement them with additional activities according to their educational orientations
- d. Administrative requirements of very detailed information to be provided to the authorities.<sup>25</sup>

The legal framework does not limit the eligibility of those who seek to establish a school, but most private educational institutions take the form of non-profit civil associations or foundations. There is no legal preference for secular or religious organizations, and private schools may not be forbidden to provide religious instruction,<sup>26</sup> although this may not be included in the official plans and programs.

Although the requirements for the owner/sponsor of a school are broad, this is not the case for the selection of the Director,<sup>27</sup> who must be a Uruguayan citizen or resident for at least a year, and must have adequate professional training as defined for elementary or for intermediate-level schools. The position of the Director is crucial because he or she is responsible for the pedagogical orientation of the school as well as serving as the interlocutor with government inspection and regulation.

There is no public funding for non-state educational institutions.

## *Homeschooling*

Home schooling is not provided for in the Uruguayan educational system, but there are situations in which such arrangements could arise. One example would be the non-accredited institutions that prepare pupils for the examination given at the end of elementary school. Another example would be in intermediate education, which permits students to participate without attending classes on the basis of performance on examinations.<sup>28</sup> Both examples are exceptions to the system and there is not an arrangement under which families can assume responsibility for educating their children at home.

Article 7 section 2 of the LGE calls into question whether “home schooling” is possible in Uruguay, since it states that “Fathers, mothers, or legal guardians of boys, girls, and adolescents have the obligation to register them in a school and watch over their attendance and learning.”

## *School choice not limited by family income*

The Constitution ensures free choice of schools by stating in article 68 that “Every parent or guardian has the right to choose the teachers or schools desired for his/ her children or wards.” This constitution principle is only applicable in practice for those parents who can pay tuition in private schools.

Free choice is limited by the system of funding of education: state schools are subsidized in full, while non-state schools are exempted from taxes but receive no support for operating costs. This institutional arrangement has consequences in terms of efficiency, equity, and quality.<sup>29</sup> There is a captive market in public education that leads to overcrowding and to problems of quality. The differentiated dual system (public subsidized, private not subsidized) leads to social polarization that does not favor social integration and equity.<sup>30</sup>

In short, the State imposes obligatory education but only promotes without cost a single type of schooling, that of the State. “In our country, only those have effective educational freedom who have money and can pay the entire cost of their choices.”<sup>31</sup>

Freedom of choice is also limited in public education; families may not choose what public school their children will attend, since that is determined by where they live. At the



elementary level, each school has a geographical attendance zone, and even if living near another school, a child can only attend the one for his or her zone. This is true also for intermediate schools outside Montevideo, but in that city, where half the population lives, there is an office that assigns students to schools on the basis of residence, transportation routes, and, to a limited extent, preference.

Because of the rigidity of this system, parents end up lying about their place of residence to get their children into better schools. It is clear that parents value choice of the school that their children will attend and look for ways to overcome the bureaucratic hurdles that prevent it.<sup>32</sup>

## *School distinctiveness*

As a result of the constitutional principal of educational freedom, the freedom of schools to choose their orientation and identity is recognized.<sup>33</sup> In practice, however, the study plans and programs that all schools – private as well as public – implement are those defined by the ANEP.

Private schools that seek accreditation thereby limit their distinctive character, especially with respect to establishing curriculum and educational management. The legal framework recognizes the power of private schools to adopt their own philosophical and pedagogical orientation,<sup>34</sup> limiting the State's action to protecting hygiene, morality, safety, and public order. However, accredited private schools are circumscribed in differentiating their curriculum, since Ordenanza N° 14 article 5 states that "Accredited schools must adapt their courses to the plans and programs of public schools. They may develop a different plan of study if, in the judgment of the respective Council [that is, the subordinate council of ANEP with responsibility for the relevant sector of education], there is a reasonable equivalence with respect to goals, content, and evaluation guidelines." Thus, the board with direct responsibility for public schools is given authority over whether the competing private schools pursue the same goals in the same manner.

Application of the official plans of study imposes upon teachers in private schools the themes to be developed in the programs, the order in which they should be conveyed, and the time available to teach them. The role of the government inspector is to evaluate if the teacher has followed this program adequately. The system functions in the same way in state and non-state schools.

In reality, practically all accredited private schools follow the official plans and programs, adding in supplemental time the contents and activities which give them their distinctive character.

With respect to educational management, accredited private schools find themselves subordinated to a series of administrative routines that limit their capacity to define distinctive institutional features: proposed schedule, attendance of teachers and pupils, evaluations and qualifications of pupils, medical certificates justifying absence of pupils, disciplinary cases involving pupils, teachers, or staff in accordance with criteria defined by the education authorities, and special obligations applicable to each level of education.

In the state system, given its centralized character, there are few opportunities to define a distinctive character for each school. It is true that the existence of Parent Commissions has allowed schools to acquire certain distinctive features. These are authorized to raise and administer funds and use them to hire extracurricular teaching and other staff, to buy educational materials, or to pay for minor repairs and cleaning of schools. Studies have found that this occurs even in urban areas where families have limited incomes.<sup>35</sup>

The LGE introduced the creation in each school of a Participation Council made up of pupils, teachers, parents, and community representatives. So far these have not been developed to the point of evaluating their impact on the Parent Commissions.

In general terms, both educational sectors in Uruguay tend toward uniformity, with the exceptions described above.

## *Decisions about admitting pupils*

The conditions for admitting pupils are entirely different in private and public schools. Private schools have a wide freedom in this respect, with the State intervening only in cases that affect morality or public order. In general they use personal interviews to assess the fit of the applicant with the distinctive features of the school. There have been no legal cases involving discrimination in this regard.

There may be academic selection, especially between lower and upper intermediate schooling, and there are some schools that apply selectivity criteria even between their different levels.

In public schools, the only criterion for admission is place of residence. At the elementary level and at the intermediate level outside of Montevideo, public schools may not admit applicants who live outside of their attendance zones. As noted above, there is an office in Montevideo that may, to a limited extent, take choice into account in making assignments to intermediate schools in the city.

## Decisions about staff

The dual nature of the education system leads to different situations in the two sectors. In elementary schools in both sectors, it is not possible to be appointed as a teacher without professional training. Graduates of the four-year program in Institutos de Formación Docente orientación Magisterio, dependent on the ANEP, receive the title *maestro*. The LGE transforms these institutes into a new Instituto Universitario de Educación which is intended to raise teacher preparation to the level of university study, but this has not been implemented yet. All elementary teachers in Uruguay are qualified.

The situation is different in intermediate education. There are not enough licensed teachers (*profesores*) for all the programs. In lower intermediate schooling, only 8,075 teachers out of 14,887 (56%) are licenses, a proportion rising only to 64% in upper intermediate schooling.<sup>36</sup> Teachers without appropriate licenses are required to prove their suitability for the subject taught.

To respond to the problem of the low level of qualifications of intermediate-level teachers, the education reform of the period 1995-2000 gave priority to the creation of new institutes to train them.

Private schools have the freedom to select their staff on the basis of philosophical, religious, or pedagogical criteria. Ordenanza N° 14 specifies in article 21 (for elementary) and 33 (for intermediate education) that “the choice of teaching personnel is the exclusive competence and responsibility of the school.”

The accreditation system imposes certain limitations. In the case of elementary schools, teachers must have the qualification of *maestro*. Ordenanza N° 14 has detailed specifications for the various ways in which a teacher may be qualified for a position in a private intermediate school.

In the public system access to teaching positions is through a competition.<sup>37</sup> Teachers acquire the status of civil servants, which assures them of stability in their positions. The title of *maestro* is required for a job in elementary school and that of *profesor* for one in intermediate school. Given the insufficient number of qualified intermediate teachers, there is a hierarchy of merit to select among those who are not licensed.<sup>38</sup>

Teachers are assigned to public schools by the appropriate subordinate Council of ANEP;<sup>39</sup> it is not the school that selects the teacher, but the teacher who selects the school.<sup>40</sup> Annually, teachers choose the schools in which they wish to exercise their

functions and are assigned to those chosen in the basis of seniority. This system limits the capacity to form working teams, generates an intense instability of teachers in schools, and has the result that schools which are less attractive because of their physical location are served by teachers with less experience and qualifications.

The Director of a school has little chance to influence its performance, since the personnel system is insensitive to the particular needs of each establishment. An informal mechanism, the additional staff funded by Parent Commissions, offers a partial solution.

The pressure toward uniformity in the education system appears also in its human resources. The fact that teachers are trained in institutions dependent upon ANEP (and not in the universities) which teach according to official programs that are common to the entire system reinforces the logic of uniformity in the Uruguayan system.

### *Accountability for school quality*

Within the system, quality is evaluated basically in relation to the inputs of the system, of which the primary three are the qualifications of teachers, the curriculum, and schools' facilities. Evaluation of these requirements is similar for public and accredited private schools, and occurs in both cases through the inspectorate.

Uruguayan teachers are very critical of the system of inspection. In a survey in 2003, almost half contended that the inspection is an inadequate system of evaluation.<sup>41</sup>

The results of evaluation have different impacts in the public and private sectors. In the public sector, the evaluation of quality based on inputs follows a bureaucratic and centralized logic. The major impact of inspections is on the teaching careers of *maestros* and *profesores*. The possibility of promotion depends upon "qualified seniority," by which a teacher's qualifications are judged by the inspectors.<sup>42</sup>

The limited impact of school Directors should be noted; not only do they have no power to select their teachers, but they have very little impact on the evaluation of promotion of the teachers in their schools. This makes it very difficult to create educational communities in schools.<sup>43</sup>

In private schools, the evaluations of the inspections function as a control mechanism. Ordenanza N° 14 specifies in article 19: "At the conclusion of the visit,

the Inspector will provide advice and formulate the related observations in writing for the Director of the school and for the teacher in question.” The evaluations of the inspectors have an impact on the maintenance of the school’s accreditation and on the career of the teacher to the extent that they also teach in public schools.

In contrast with these “internal” evaluations based upon inputs, there is in Uruguay little accountability for the quality of educational processes. Because of the autonomous nature of the institution in charge of education, described above, there is little parliamentary or citizen control.<sup>44</sup> Of course, there have been some advances in the construction of systems of educational information and evaluation as a result of the policy directions of the education reforms of the nineties.<sup>45</sup>

In the process of education reform undertaken in the years 1995-2000, as part of the Program for Improvement of the Quality of Elementary Education ANEP created the Measurement Unit for Educational Outcomes (UMRE). UMRE carried out several evaluations using standardized tests to measure educational outcomes. By the end of that administration voices began to call for the institutionalization of a system of evaluation “with qualified personnel, making use of methods similar to those employed by UMRE with respect to technical standards and methods of discussion. In the immediate future the country will implement the application of international standardized tests that will allow comparison of the levels of quality in Uruguay with standards in other countries of the region and of the developed world.”<sup>46</sup>

UMRE defined cautious strategies for the presentation and diffusion of the evaluations: “the educational authorities were very cautious in the management of national results, as well as in the comparison between the public and private systems, emphasizing the role of contextual factors in what is learned in school.

The information referring to individual schools was kept strictly confidential. Intended for three specific audiences: the government, the education authorities, and teachers and directors, information about the evaluation carried out reached the parents of pupils through the press.”<sup>47</sup>

As a result, the evaluation of the quality of learning acquired distinctive characteristics in Uruguay. The education authorities decided to release only national aggregate data, with limited comparisons between the public and private systems, and with information on each individual school expressly kept confidential.

This strategy responds to the idea which permeates education in Uruguay, that the State is an ardent defender of public education and of the conception of the State as

educator.<sup>48</sup> The results of the evaluation are used as an instrument for learning within the education system, giving priority to passing down the results to each school in a confidential form and assuming that the information would be a means of professional development for educators.<sup>49</sup>

The outcome is that the standardized tests have little impact on schools. Each school, whether public or private, receives its own results and national aggregate results, but there no incentives have been set up connected with those results. The information generated a certain amount of debate about the quality problems of the education system in general, but has not stimulated schools to put in place procedures for improving quality.

Since 2003, Uruguay participates in PISA, provoking the use of the results in public debate.<sup>50</sup>

From an organizational perspective, the services of ANEP dedicated to evaluation have changed institutional location and roles, though the basic functions have remained the same.

The LGE introduced an important innovation in external accountability with the creation of the National Institute of Educational Evaluation (INEE). It is true that its creation has been the subject of intense and complicated debates, to the point that, a year and a half after the approval of the law, it still has not been possible to implement it.<sup>51</sup>

One of its charges is “to reveal the extent of accomplishment of the objectives and means established for the different organisms, entities, and other educational institutions.”<sup>52</sup>

Article 116 of the LGE also requires it to carry out every two years a report on the Condition of Education in Uruguay that will take into account, among other aspects, the results of national or international evaluative testing in which the country participates, as well as access, coverage, and persistence at each level of schooling, the results of learning, the relevance and importance of the plans and the educational content, and the evolution and characteristics of educational expenditure.

However, the law establishes an important limitation on the diffusion of results in the final section of the article: “The policy of diffusion of this information will safeguard the identity of the students, the teachers, and the schools, in order to avoid any sort



of stigmatization and discrimination.” This provision was added in the final version of the article.

As a result, it seems likely that the process of accountability to parents and to citizens in general will be limited if information on results is provided only at a very general level. Perhaps this could be valid information for policy discussions at the macro level, but it will certainly inhibit discussion at the intermediate level and that of individual schools, which is where the processes of citizen participation and, as a result, accountability are more evident.

As a result of the changes in education over the last decades it is possible to argue that the Uruguayan system of education now has more information available for those involved, but this has not been consolidated in a robust process of accountability.

## *Teaching of values*

The Constitution requires in article 71 that schools pay special attention to “the formation of the moral and civic character of the pupils.” The LGE has a viewpoint more associated with education as a right and with education in human rights<sup>53</sup> than with formation of specific values.

Article 3 (On the orientation of education). Education will be oriented toward the search for a harmonious and integrated life through work, culture, entertainment, care of health, and respect for the environment, and the responsible exercise of citizenship, as essential factors in sustainable development, tolerance, the full enjoyment of human rights, peace, and understanding among peoples and nations.

Article 4 (Human rights as a basis for the exercise of the right to education). Education shall be directed to those human rights stated in the Universal declaration of Human Rights and the Constitution of the Republic and in the set of international covenants ratified by our country, as essential elements incorporated at all times and as opportunity for proposals, programs, and educational activities, constituting a framework of fundamental references for education in general and in particular for educators in any of the aspects of their professional activity.

The LGE also calls for education in human rights:

Article 40. Education in human rights shall have as a goal that those being educated, making use of a basic knowledge of the normative documents, will develop attitudes and internalize principles based on fundamental human rights.

Education in human rights is to be considered a right in itself, an inseparable component of the right to education and a necessary condition for the exercise of all human rights.

In the Ordenanza that regulates private schools, the Administration of the institution is made responsible for the civic and moral formation of those being educated.

The concrete way in which the constitutional mandate has been implemented is through the programs of study of the different levels of education, as with the introduction in intermediate education of subjects entitled Social and civic Education and Citizenship Education.

Between 2001 and 2004, ANEP implemented an experiment in values education in public schools. Its basis consisted of “reaffirming the traditional direction of the country in public education, which has considered schools as privileged places for the rational and autonomous formation of personality and the construction of democratic citizenship, in partnership with the function of families.”<sup>54</sup> Teachers were trained and some pilot workshops were implemented. The experiment was discontinued by the new education authorities who took over in 2005.

Various private schools have developed programs of education about values on the basis of the constitutional principal of educational freedom, apart from the official study plans.

## *Endnotes*

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<sup>1</sup> Ley General de Educación No. 18.437

<sup>2</sup> Ley No. 15.739, labeled ‘Emergency’

<sup>3</sup> Bentancur 2008

<sup>4</sup> Bentancur y Mancebo 2010

<sup>5</sup> Mancebo 2002

<sup>6</sup> Gajardo 1999 y Lanzaro 2004

<sup>7</sup> Garibaldi 2007, p. 77

<sup>8</sup> De Armas y Retamoso 2010

<sup>9</sup> Aguirre Ramírez 1973

<sup>10</sup> Bentancur 2009

<sup>11</sup> Anuario Estadístico de Educación 2009

<sup>12</sup> Landoni 2008

<sup>13</sup> *Ibid*

<sup>14</sup> Article 43 of LGE

<sup>15</sup> Wolff 2005

<sup>16</sup> Risso 2005; Martins y Rotondo 2010

<sup>17</sup> Barbé Pérez 1981

<sup>18</sup> Risso 2005

<sup>19</sup> Article 69 of the Constitution

<sup>20</sup> Martins y Rotondo 2010

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<sup>21</sup> Varela, 1964, p. 156

<sup>22</sup> Martins y Rotondo 2010

<sup>23</sup> Article 1 of the Constitution

<sup>24</sup> Risso 2005

<sup>25</sup> Martins y Rotondo 2010

<sup>26</sup> Article 29 of the Constitution

<sup>27</sup> Article 4 of the Ordenanza N° 14

<sup>28</sup> Articles 99-102 of the Ordenanza N° 31

<sup>29</sup> Grindle 2001

<sup>30</sup> Da Silveira 2009

<sup>31</sup> Da Silveira 1995, p.65

<sup>32</sup> Da Silveira y Queirolo 1998

<sup>33</sup> Barbé Pérez 1981

<sup>34</sup> Article 68 of the Constitution

<sup>35</sup> da Silveira y Queirolo 1998

<sup>36</sup> Anuario Estadístico 2009

<sup>37</sup> Article 26 of Estatuto del Personal Docente Resolución del CODICEN N° 9 Acta N° 86, December 20, 1993

<sup>38</sup> Article 13 of Estatuto del Personal Docente

<sup>39</sup> Article 63, paragraph g of LGE

<sup>40</sup> Da Silveira y Queirolo 1998

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<sup>41</sup> ANEP – UNESCO / IIPE 2003

<sup>42</sup> Article 13 of Estatuto del Personal Docente

<sup>43</sup> Da Silveira y Queirolo 1998

<sup>44</sup> Landoni 2008

<sup>45</sup> Gajardo 1999

<sup>46</sup> Mancebo y Torello 2000, p. 51

<sup>47</sup> *Ibid.*

<sup>48</sup> Fernández y Bentancur 2008

<sup>49</sup> Ravela et al 2001

<sup>50</sup> ANEP 2007, Fernández 2010

<sup>51</sup> Scrollini y Landoni 2011

<sup>52</sup> Article 115, paragraph c of LGE

<sup>53</sup> Bentancur 2009

<sup>54</sup> Resolution of CODICEN N° 9 Acta Extraordinaria N° 21, December 21, 2001

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## References

AGUIRRE RAMÍREZ, Gonzalo (1973) *El Consejo Nacional de Educación*. En MARTINS, Daniel H. y otros.. *La Enseñanza Pública y Privada en el Uruguay: su Régimen Jurídico*. Montevideo: A. Fernández

ANEP - CODICEN (2000). Una visión integral del proceso de reforma educativa en Uruguay 1995 – 1999. Montevideo, ANEP

ANEP – CODICEN (2003). Documento de referencia para una experiencia en Educación en Valores (Anteproyecto para la discusión). Montevideo: ANEP

ANEP – UNESCO / IIPE (2003). Los Docentes Uruguayos y los Desafíos de la Profesionalización: Informe de difusión pública de resultados. Montevideo: ANEP

ANEP (2007) “Uruguay en PISA 2006: Primero Resultado de Ciencias, Matemática y Lectura del Programa Internacional de Evaluación de Estudiantes” Montevideo, ANEP.

BARBÉ PEREZ, Héctor (1981). Proceso Educativo del Uruguay: Régimen Jurídico, Caracterización y Prospectiva. Montevideo: Barreiro y Ramos.

BENTANCUR, Nicolás (2008) “*Las Reformas Educativas de los años noventa en Argentina, Chile y Uruguay Racionalidad política, impactos y legados para la agenda actual*” Montevideo, ICP

BENTANCUR, Nicolás (2008) La nueva legislación educativa en Uruguay: el derecho a la educación como compromiso de políticas Revista Propuesta Educativa No. 33. FLACSO Junio 2008. En [http://www.propuestaeducativa.flacso.org.ar/dossier\\_articulo.php?id=41&num=33](http://www.propuestaeducativa.flacso.org.ar/dossier_articulo.php?id=41&num=33)

BENTANCUR, Nicolás (2009) “*Ley General de Educación, derecho a la educación y políticas educativas. Estado de situación y desafíos futuros*”. Ponencia presentada en las VIII Jornadas de Investigación Científica de la FCS- UDELAR. Montevideo.

BENTANCUR, Nicolás (2010) *Las políticas educativas tras el primer gobierno de izquierda en Uruguay: ¿transformación o reforma?* Ponencia presentada al III Congreso de Ciencia Política. Montevideo, AUCIP.

BENTANCUR, Nicolás y Ma. Ester Mancebo (2010) *El discreto encanto del gradualismo. Continuidad, restauración e innovación en las políticas educativas del primer gobierno de izquierda*. En Mancebo, Ma. Ester y Narbono, Pedro (coord..)



---

*Reforma del Estado y políticas públicas de la Administración Vázquez: Acumulaciones, conflictos y desafíos* Montevideo, ICP, CLACSO.

DA SILVEIRA, Pablo (1995). *La Segunda Reforma: Por qué necesitamos una enseñanza post-vareliana y cómo podemos ponerla en marcha*. Montevideo: CLAEH – Fundación Banco de Boston

DA SILVEIRA, Pablo (2009) *“Padres, maestros y políticos: El desafío de gobernar la educación”* Montevideo, Taurus.

DA SILVEIRA, Pablo y QUEIROLO, Rosario (1998). *Análisis Organizacional: Cómo funciona la Educación Pública en Uruguay*. En *Informe de Investigación N° 10 CERES (Mimeo)* Montevideo: CERES

DE ARMAS, Gustavo y RETAMOSO, Alejandro (2010) *La universalización de la educación media en Uruguay: Tendencias, asignaturas pendientes y retos a futuro* Montevideo, UNICEF.

FERNÁNDEZ, Tabaré y BENTANCUR, Nicolás (2008): *“La enseñanza media en Uruguay: cuatro problemas estructurales y tres líneas de política para su rediseño institucional”*. REICE vol.6 num.4

FERNÁNDEZ, Tabaré (2010) *Incertidumbres persistentes en la política de evaluación educativa en Uruguay* Ponencia presentada al III Congreso de Ciencia Política. Montevideo, AUCIP.

GAJARDO, Marcela (1999). *Reformas Educativas en América Latina: Balance de una década*. En *Documentos del Programa de Promoción de la Reforma Educativa en América Latina y el Caribe N° 15*. Santiago de Chile: PREAL

GRINDLE, Merilee (2001). *La Paradoja de la Reforma Educacional: Pronosticar el Fracaso y Encontrar el Progreso*. En MARTINIC, Sergio y PARDO, Marcela (Ed.) *Economía Política de las Reformas Educativas en América Latina* Santiago de Chile: CIDE – PREAL.

LANDONI, Pablo (2008) *“El Proyecto de Ley General de Educación y sus Desencuentros con los Paradigmas de los procesos de Reforma del Estado”*. Ponencia presentada al II Congreso de Ciencia Política. Montevideo, AUCIP.

LANDONI, Pablo (2010) *El debate sobre la creación de una Agencia de Acreditación en Uruguay: influencias externas y tensiones internas*. Revista Argentina de Educación Superior. En <http://www.untref.edu.ar/raes/numeros.htm>

---

LANZARO, Jorge (2004): “*La reforma educativa en Uruguay 1995-2000: virtudes y problemas de una iniciativa heterodoxa*”. CEPAL, Santiago de Chile.

MANCEBO, Ester (2002) “*La larga marcha de una reforma “exitosa”: de la formulación a la implementación de políticas educativas*”. En Mancebo, Ester Narbondo, P y Ramos, C. (Comp.) *Uruguay: la reforma del Estado y las políticas públicas en la democracia restaurada*. Montevideo: Banda Oriental-ICP.

MANCEBO, Ester y TORELLO, Mariella (2000). *El Sistema Educativo Uruguayo: Estudio de Diagnóstico y Propuesta de Políticas Públicas para el Sector*. Washington: BID, Departamento Regional de Operaciones 1.

MARTINS, Daniel H. y ROTONDO, Felipe (2010) *Régimen Legal de Educación – Ley No. 18.437 Normas Constitucionales e Internacionales* Montevideo, La Ley.

MINISTERIO DE EDUCACIÓN Y CULTURA (2010). *Anuario Estadístico de Educación 2009*. Montevideo: MEC

RAVELA, Pedro (Ed.) y otros (2001). *Los Próximos Pasos: ¿Cómo Avanzar en la Evaluación de Aprendizajes en América Latina?* En *Documentos del Programa de Promoción de la Reforma Educativa en América Latina y el Caribe N° 20*. Santiago de Chile: PREAL

RISSO FERRAND, Martín (2005) *Derecho Constitucional* Montevideo, Fundación de Cultura Universitaria. Páginas 658 a 680.

SCROLLINI, Fabrizio y LANDONI, Pablo (2011) “Educación e Información Pública: Perspectivas para la Transparencia del sistema”. En *Revista Uruguaya de Ciencia Política* - Vol. 19 – Montevideo, Instituto de Ciencia Política/ UDELAR.

VARELA. José Pedro (1964) *Obras Pedagógicas: La Educación del Pueblo*. Montevideo: Colección de Clásicos Uruguayos, Biblioteca Artigas Tomo I Vol. 49.

WOLFF, Laurence; NAVARRO, Juan C. y GONZÁLEZ, Pablo (eds.) (2005) *Private Education and Public Policy in Latin America*. Washington D.C., PREAL.